



SACRAMENTO - SAN JOAQUIN

## DELTA CONSERVANCY

A California State Agency

XXXX, 2014

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BDCP Comments

Ryan Wulff, NMFS

650 Capitol Mall, Suite 5-100

Sacramento, CA 95814

Dear Mr. Wulff:

Thank you for the opportunity to comment on the Bay-Delta Conservation Plan Draft EIR/EIS. The Delta Conservancy was established by the Delta Reform Act of 2009 to be a lead agency for ecosystem restoration in the Delta and to support efforts that advance environmental protection and the economic well being of Delta residents. In this capacity, we anticipate that we will be actively involved in the coordination and integration of the many ongoing and future restoration efforts in the Delta. Additionally, we anticipate that we will be the lead for some ecosystem restoration projects depending on funding availability. The Conservancy's Economic Development and Education and Outreach Programs are currently engaged in many projects that will intersect with BDCP activities.

The Board of the Conservancy, listed in the left margin, was specifically designed to allow for local input in the governance of the organization and in project development, evaluation and funding decisions. This local input is invaluable in gaining local support and fostering a trusted and transparent long term restoration effort. We hope the BDCP will work closely with the Conservancy to develop projects in a manner that incorporates the local perspective. Further, it is vital that the BDCP proposed conservation measures be if the BDCP moves forward, the Conservancy can be instrumental in helping to make related projects more compatible with Delta communities and agriculture. This will be critical for maintaining the viability of the region. ~~appointments~~ Representatives to the Board from, the Secretary of the Natural Resources Agency and the Director Department of Finance, abstain from this action, and this letter in no way implies a recommendation or position from the Governor.

The attached table lists the Conservancy's twelve mandates as found in our enabling legislation, a description of our current efforts and a brief assessment of how the BDCP could impact our activities. In summary, while the BDCP will reduce the land area and in some cases the resources available to the Conservancy, we do not anticipate the BDCP would preclude us from meeting any of our statutory mandates.

Sincerely,

Ken Vogel, Supervisor San Joaquin County  
Delta Conservancy Board Chair

**Comment [c1]:** This language developed at the suggestion of Supervisor Provenza

## Delta Conservancy's Legislative Mandates, Current Efforts and the Bay Delta Conservation Plan

The table below is intended to help illustrate how the Conservancy's mandates would be affected by the Bay Delta Conservation Plan (BDCP). The sections of the BDCP Public Review Draft EIR/EIS that were reviewed in developing the summary below included the Conservation Measures, with the exception of Conservation Measures CM 1, CM 14, CM 15, CM 16, CM 17, CM 18, and CM 21 as they were deemed outside of the Conservancy's purview. The sections of the Public Review Draft BDCP EIR/EIS that were reviewed include: Chapter 8 – Water Quality; Chapter 11 – Fish and Aquatic Resources; Chapter 12 – Terrestrial Biological Resources; Chapter 13 – Land Use; Chapter 14 – Agricultural Resources; Chapter 15 – Recreation; Chapter 16 – Socioeconomics; Chapter 17 – Aesthetics and Visual Resources; Chapter 18 – Cultural Resources; Chapter 19 – Transportation; Chapter 20 – Public Services and Utilities; and Chapter 29 – Climate Change. Staff only reviewed impacts for the preferred alternative, Alternative 4.

Conservancy Legislative Mandates	Current Staff Efforts	Effects of the BDCP
Protect and enhance habitat and habitat restoration.	<ul style="list-style-type: none"> <li>Delta Restoration Network—A voluntary effort to coordinate and integrate restoration actions.</li> <li>Arundo Control and Restoration Program—noxious and non-native weed control project.</li> <li>Enhancement of Channel Margin Habitat—aims to improve the extent of functioning channel margin habitat.</li> <li>Support for near- term projects identified by the Coalition to Support Delta Projects—vets near-term Delta projects with multiple Delta stakeholders and agencies and holds a list of projects with widespread support.</li> </ul>	<p>Many of the conservation measures in the BDCP aim to enhance and restore habitat in the Delta.</p> <p>The BDCP Public Review Draft EIR/EIS identifies short term impacts to natural communities. Long-term effects are expected to be beneficial.</p> <p><u>The Conservancy notes that the Independent Science Board indicated that the expected long-term benefits were overstated; therefore, the Conservancy questions the expected level of benefit and requests BDCP provide additional support for the expected long-term benefits.</u></p> <p>The Conservancy would continue to play a role in coordinating and integrating</p>

		restoration efforts, and, if funding is available, could fund associated restoration projects provided they meet conditions specified in our enabling legislation.
Protect and preserve Delta agriculture and working landscapes.	<ul style="list-style-type: none"> <li>• Habitat Enhancement of Working Landscapes Coalition—goal is to work collaboratively with Delta landowners to improve habitat value of working landscapes.</li> <li>• Delta Farmbudsman—assist local farmers in navigating local, state, and federal permits and regulations as they pertain to agriculture.</li> <li>• Delta Agricultural Infrastructure Study – develop a clearer understanding of the state of agricultural infrastructure in the Delta and identify ways to strengthen and improve the infrastructure.</li> <li>• Internal land management policies and procedures—vet policies and procedures to prepare the Conservancy for the potential management and ownership of land.</li> </ul>	<p>The BDCP Public Review Draft EIR/EIS states that construction and facilities will temporarily and permanently convert Important Farmland, land subject to Williamson Act contracts, and land in Farmland Security Zones to non-agricultural uses. This is identified as adverse impact on agriculture in the Delta.</p> <p>Agricultural contributions to the character and culture of the Delta will diminish due to the projected decline in agriculture-related acreage, employment, and production.</p> <p>The Draft sets forth the primary Mitigation Measure, AG-1: Develop an Agricultural Lands Stewardship Plan (ALSP).</p> <p><u>Under the Sacramento-San Joaquin Delta Conservancy Act of 2009, the Conservancy is charged with protecting and preserve Delta agriculture and working landscapes (Public Resources Code, Section 32322(b)(2)). The Conservancy asks that BDCP be implemented and function in a way that minimizes the loss of agricultural land and working landscapes. In conjunction with the Conservancy, the BDCP should establish as a priority that its restoration efforts will use publically-owned land before private lands. The impact of</u></p>

		<p><del>BDCP will not preclude the Conservancy from preserving and protecting agricultural land, it will however reduce the amount of agricultural land available for protection and preservation.</del></p> <p>If the BDCP moves forward, the Conservancy can be instrumental in helping to make related projects more compatible with, and in some cases complementary to, Delta agriculture.</p>
Provide increased opportunities for tourism and recreation	<ul style="list-style-type: none"> <li>• Delta Marketing Grant—develop and implement a Delta-wide marketing campaign in partnership with the Delta Protection Commission.</li> <li>• Agri-tourism support—assist local agri-tourism organizations find interns and support for projects and administrative activities.</li> </ul>	<p>The BDCP Public Review Draft EIR/EIS states that existing recreational resources will be impacted for a number of years during construction. Recognized impacts include access (to fishing sites, boat launches, etc.), wildlife viewing, noise, negative visual effects, boat passage and navigation, and fish populations (for recreational fishing opportunities). These impacts are expected to last 1-8 years at the various construction locations and are considered an adverse affect on recreation and tourism in the Delta. At this point in time, it's difficult to ascertain the long-term effect of these impacts.</p> <p>These impacts while significant do not preclude the Conservancy from meeting the mandate to provide increased opportunities for tourism and recreation.</p> <p>If the BDCP moves forward, the Conservancy can be instrumental in helping to make related projects more compatible with, and in</p>

		some cases complementary to, Delta recreation and tourism efforts.
Promote Delta legacy communities and economic vitality in the Delta in coordination with the Delta Protection Commission.	<ul style="list-style-type: none"> <li>Delta Marketing Grant— develop and implement a Delta-wide marketing campaign in partnership with the Delta Protection Commission.</li> </ul>	<p>The BDCP Public Review Draft EIR/EIS states that impacts to tourism infrastructure, community cohesion and gathering places, and the Delta landscape will have adverse effects on Legacy Communities. During construction, a slight increase in (non-agricultural-related) employment is expected which could assist the economic vitality of the Delta.</p> <p>The Conservancy's ability to promote the legacy communities and economic vitality in the Delta are not precluded by the BDCP.</p>
Increase the resilience of the Delta to the effects of natural disasters such as floods and earthquakes, in coordination with the Delta Protection Commission	<ul style="list-style-type: none"> <li>BOR-WEF Grant—with a grant from the Bureau of Reclamation, the Conservancy and Water Education Foundation will engage in outreach to Delta-residents in preventing contaminants from entering the waterways during floods.</li> </ul>	The BDCP Public Review Draft EIR/EIS states that the general conservation strategy of BDCP will reduce the risk of levee failure and restore the ability of floodplains to absorb flood flows.
Protect and improve water quality.	<ul style="list-style-type: none"> <li>Delta Watershed Initiative Network — water quality monitoring coordination with local groups, education and outreach, waterway cleanups.</li> </ul>	<p>The BDCP Public Review Draft EIR/EIS identifies several impacts to water quality in the Delta that are significant and unavoidable. The Draft also includes Conservation Measures that provide some benefit to water quality.</p> <p>Impacts to water quality resulting from the BDCP will not preclude the Conservancy from meeting the mandate to protect and improve water quality.</p>
Assist the Delta regional economy through the operation of the conservancy's program.	<ul style="list-style-type: none"> <li>Delta Marketing Grant - develop and implement a Delta-wide marketing</li> </ul>	The BDCP Public Review Draft EIR/EIS identifies significant impacts to the Delta

	campaign in partnership with the Delta Protection Commission.	regional economy.  Impacts to the regional economy resulting from the BDCP will not preclude the operations and programs of the Conservancy from assisting the regional economy.
Identify priority projects and initiatives for which funding is needed.	<ul style="list-style-type: none"> <li>• The Conservancy continuously works with the Delta community to identify funding priorities, and locate funding to complete projects.</li> <li>• The Conservancy participates in the Coalition to Support Delta Projects, a large stakeholder effort to promote near-term priority projects and funding needs.</li> </ul>	The BDCP Public Review Draft EIR/EIS does not contain activities or impacts that would preclude the Conservancy from continuing to meet this mandate.
Protect, conserve, and restore the region's physical, agricultural, cultural, historical, and living resources.	<ul style="list-style-type: none"> <li>• CSUS oral history project—partnership with CSUS' graduate public history program to gather oral histories of Delta pear farmers.</li> <li>• McCormack-Williamson Recreation Plan—partnership with UC Davis' Landscape Architecture department to develop a recreation plan for the McCormack-Williamson Tract.</li> </ul>	The BDCP Public Review Draft EIR/EIS identifies, "Lasting effects on areas made less desirable in which to live, work, shop, or participate in recreational activities as a result of BDCP operations could lead to localized abandonment of buildings. Such lasting effects could also result in changes to community cohesion if they were to restrict mobility, reduce opportunities for maintaining face-to-face relationships, or disrupt the functions of community organizations or community gathering places (such as schools, libraries, places of worship, and recreational facilities.". While the Draft also offers many mitigation measures to offset various construction and building impacts, it is expected that the new conveyance system will have lasting effects that are not

		<p>required to be mitigated under CEQA. Per the EIR/EIS, page 16-172:</p> <p>The impacts described in the Draft will not preclude the Conservancy from meeting this mandate.</p> <p>If the BDCP moves forward, the Conservancy can be instrumental in helping to make related projects more compatible with, and in some cases complementary to Delta resources.</p>
Assist local entities in the implementation of their habitat conservation plans (HCPs) and natural community conservation plans (NCCPs).	<ul style="list-style-type: none"> <li>No current efforts</li> </ul>	The BDCP Public Review Draft EIR/EIS contains provisions for coordinating with regional HCPs and NCCPs in the Plan Area.
Facilitate take protection and safe harbor agreements under the federal Endangered Species Act and the California Endangered Species Act for adjacent landowners and local public agencies	<ul style="list-style-type: none"> <li>BOR-WEF Grant – the Conservancy helped organize two workshops on adjacent landowner protections and safe harbor agreements. A white paper on the subject was written and distributed.</li> </ul>	<p>The BDCP Public Review Draft EIR/EIS sets forth the primary Mitigation Measure, AG-1: Develop an Agricultural Lands Stewardship Plan (ALSP).</p> <p>The BDCP enhances the need for the Conservancy to meet this mandate.</p>
Promote environmental education	<ul style="list-style-type: none"> <li>Delta Waterway Cleanups—Raises awareness about good environmental stewardship and involves the community in Waterway Cleanup events.</li> <li>Delta WIN— water quality monitoring coordination with local groups, education and outreach, waterway cleanup.</li> <li>BOR-WEF Grant—Grant from Bureau of Reclamation to conduct public outreach programs with the Water Education</li> </ul>	The Public Review Draft BDCP EIR/EIS do not contain activities or impacts directly related to this mandate.

	Foundation related to water supply reliability, water quality, and Delta restoration efforts.	
Governor's Order S-13-08 2009 California Climate Adaptation Strategy	<ul style="list-style-type: none"><li>Delta Conservancy Climate Change Policy</li></ul>	The Public Review Draft BDCP states that the general conservation strategy of BDCP will build resilience to climate change, which is consistent with the Conservancy's Climate Change Policy